Slaughter v. Jones Day Doc. 9

IN THE UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED
JUL 2 4 2006
Michael N. Milby, Clerk

AVA SLAUGHTER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**Cause No. H-05-3455**
	§	
JONES DAY,	§	
	§	
Defendant.	§	**A jury is requested**

PLAINTIFF'S MOTION TO FILE AMENDED COMPLAINT

Ava Slaughter, plaintiff, moves to file an amended complaint.

1.

Retaliation Has Occurred

Ms. Slaughter remains employed with the defendant. On June 20, 2006, she was disciplined. See, Pl. Ex. 1.

The discipline carries the threat of termination and has been made part of her employment record and personnel file.

The discipline was for actions undertaken in the course of the investigation of charges of discrimination and during this litigation. Ms. Slaughter tape recorded a conversation with the in-house investigator who presented the internal decision of the defendant. Ms. Slaughter also provided documents in response to discovery in this case.

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The discipline violates the law and is in retaliation for the filing of a charge of discrimination, participation in such a charge, and participation in the investigation of such a charge. Burlington Northern and Santa Fe Rwy. Co. v. White, 548 U.S. ____ (2006).

Plaintiff seeks leave to amend her complaint to add this charge of and cause of action for retaliation. See Gupta v. East Tex. State Univ., 654 F.2d 411, 414 (5th Cir. 1981).

A copy of the proposed amended complaint is attached as Exhibit 2.

2.

Leave To Amend Is Justified

Plaintiff seeks leave to amend. Leave to amend is justified pursuant to Rule 15, Fed. R. Civ. P. The amendment is not sought for purposes of delay, but so that justice may be done. This amendment has been made with more than sufficient time permitting for discovery.

CONCLUSION AND PRAYER

Plaintiff prays that leave be granted and that she be permitted to amend her complaint. Plaintiff prays for such other and further relief to which she has shown herself entitled under law and equity.

Respectfully submitted,

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Attorneys for Plaintiffs

OF COUNSEL:

BAKER & PATTERSON, L.L.P.

CERTIFICATE OF CONFERENCE

Plaintiff's counsel conferred with Shauna Clark, counsel for defendant. Ms. Clark informed counsel that defendant is opposed. Ms. Clark did not provide reasons for the opposition.

Thomas H. Padgett, Jr.

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of this document was served, by United States Mail, postage prepaid, properly addressed, on this 24 day of July, 2006, as follows:

Shauna Johnson Clark
Fulbright & Jaworski
1301 McKinney, Suite 5100
Houston, Texas 77010

Thomas H. Padgett, Jr.